



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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REGIONAL OFFICE DIVISION
NASSAU REGIONAL OFFICE

January 31, 2023

The Honorable Joan M. Azrack
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: *Sampson v. Stony Brook University, et al.*,
No. 2:22-cv-04490 (E.D.N.Y.) (JMA) (AYS)**

Dear Judge Azrack:

This Office represents Defendants, State University of New York (“SUNY”)¹ and Maurie McInnis, in the above-referenced matter. I write with the consent of counsel for Plaintiff, Robert Sampson, to provide the Court with a status update regarding efforts to resolve the matter.

Although the parties have been negotiating to resolve the matter, they unfortunately have not been able to agree on all terms, and last week reached an impasse.

However, in light of recent developments in the appeal to the Second Circuit of the grant of a preliminary injunction in *Sampson v. National Board of Medical Examiners*, No. 2:22-cv-05120 (E.D.N.Y), the parties respectfully request that the Court defer any action in this matter, whether related to efforts to resolve the litigation or to the pending motion for a preliminary injunction, until the Second Circuit rules. Because the Second Circuit granted the National Board of Medical Examiners’ motion to expedite its appeal, *see Sampson v. National Board of Medical Examiners*, No. Civ. 23-3 (2d Cir.), ECF No. 29 (Motion Order, granting motion to expedite appeal), it is likely that the Second Circuit will rule before Mr. Sampson’s anticipated date to take the Step 1 exam, on or about May 15, 2023. The Second Circuit’s ruling will inform the parties’ respective positions in this matter, and the feasibility of resolving this matter, going forward.

In the meantime, Defendants are willing to maintain the status quo—*i.e.*, Stony Brook University’s Renaissance School of Medicine will keep Mr. Sampson enrolled as a student. In addition, the School of Medicine has agreed to keep Mr. Sampson enrolled in a zero-credit course so that he may keep his student health insurance while he prepares for the Step 1 exam.

¹Named defendant Stony Brook University is a subdivision of SUNY and is not a legally cognizable entity separate from SUNY. *See* N.Y. Educ. Law §§ 351, 352.

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On behalf of all parties, thank you for your attention to this request.

Respectfully submitted,

s/ *Helena Lynch*

Helena Lynch

Assistant Attorney General, *of Counsel*

cc: Counsel of Record (via ECF)